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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,840	03/07/2002	William Gabriel Pagan	RSW920010228US1	9436
50594 7590 07/02/2009 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487				
EXAMINER ROSSELL, MICHAEL				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/092,840

Applicant(s)

PAGAN, WILLIAM GABRIEL

Examiner

MICHAEL ROSWELL

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 12-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 and 12-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

This Office action is in response to the Request for Continued Examination filed 20 April 2009.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,2, 4-8, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art and Beaudet et al (US Patent 5,491,795), hereinafter Beaudet.

Regarding claims 1 and 7, in Applicant's Fig. 1 and on pages 2-3 of the disclosed specification, Applicant allows for a pull-down menu in an activated open document window with a listing of inactive open document windows and corresponding interactive user interface elements (taught as the ability to select a window through the pull-down menu using point-and-click methods), and responsive to the selection of the single one of the interactive user interface elements, performing a pre-defined window manipulation operation upon an inactive open document window corresponding to the selected interactive user interface element (taught as the change of focus from the active window to the selected inactive window). Inherently, the software of the admitted prior art is stored and accessed through machine-readable storage.

However, Applicant's admitted prior art fails to explicitly teach performing a pre-defined window manipulation operation upon an inactive open document window without activating the inactive open document window corresponding to the selected single one of said interactive user interface elements.

Beaudet teaches a window management system wherein a window list is presented to the user and through the manipulation of an interactive element allows for window management operations such as moving, sizing, restoring and closing of windows represented in the window list without changing the focus of the window. See Beaudet, col. 7, lines 17-49.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of the admitted prior art and Beaudet before him at the time the invention was made to modify the pre-defined window manipulation through pull-down menus of the admitted prior art with the interactive window list control system of Beaudet, in order to obtain a pull-down menu listing windows capable of being operated upon through manipulation of an interactive element in the menu.

One would be motivated to make such a combination due to the fact that the pull-down menu presents a list of windows to the user, as does the window control management system of Beaudet. One would further be motivated to make such a combination for the advantage of the increased functionality provided by Beaudet over the simple focus change allotted by Applicant's admitted prior art. See Beaudet, col. 2, lines 1-9.

Regarding claims 2 and 8, the admitted prior art teaches generating a window manipulation event in response to the selection of an interactive user interface element (the change of focus after the selection of a window from the pull-down menu). Inherently, the window manipulation event is processed in a message handling routine associated with the activated open document window, and identifies the inactive open document window corresponding to the interactive user interface element, posts a window manipulation event to the identified inactive open document window, and processes the posted window manipulation event in a message handling routine associated with the inactive open document window,

allowing for the focus control change from the active window to the selected inactive window. Inherently, the software of the admitted prior art is stored and accessed through machine-readable storage.

Regarding claim 4, the admitted prior art teaches a pull-down menu disposed in an active open document window, a list of inactive open document windows disposed in the pull-down menu, and a set of activatable interactive user elements disposed in the pull-down menu corresponding to one of the listed inactive open document windows (see Applicant's Fig. 1).

However, the admitted prior art fails to explicitly teach including a set of interactive user elements corresponding to listed open document windows, positioned adjacent to a corresponding open document window, and an event handler configured to a post pre-defined window manipulation event to inactive open document windows associated with a single selected one of the activatable interactive user elements, wherein the pre-defined window manipulation event is performed without activating the inactive open document window corresponding to the selected single one of said interactive user interface elements.

Beaudet teaches a window management system wherein a window list is presented to the user and through the manipulation of an interactive element allows for window management operations such as moving, sizing, restoring and closing of windows represented in the window list without changing the focus of the window. See Beaudet, col. 7, lines 17-49. As can be seen in Figs. 1, 2, and 4, Beaudet also teaches positioning an interactive element adjacent to the listed name of an open document window. Beaudet further teaches an event handler configured to post pre-defined window manipulation events to inactive open document windows associated with activated ones of the activatable interactive user elements, taught as the ability to perform window management operations such as moving, sizing, restoring and closing of

windows represented in the window list without changing the focus of the window. See Beaudet, col. 7, lines 17-49.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of the admitted prior art and Beaudet before him at the time the invention was made to modify the pre-defined window manipulation through pull-down menus of the admitted prior art with the interactive window list control system of Beaudet, in order to obtain a pull-down menu listing windows capable of being operated upon through manipulation of an interactive element in the menu, wherein the pre-defined window manipulation event is performed without activating the inactive open document window corresponding to the selected single one of said interactive user interface elements.

One would be motivated to make such a combination due to the fact that the pull-down menu presents a list of windows to the user, as does the window control management system of Beaudet. One would further be motivated to make such a combination for the advantage of the increased functionality provided by Beaudet over the simple focus change allotted by Applicant's admitted prior art. See Beaudet, col. 2, lines 1-9.

Regarding claim 5, Beaudet has been shown *supra* to teach activatable interactive user elements that a user may manipulate to perform a variety of window functions. However, Beaudet fails to explicitly teach these interactive user elements being buttons. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a button as the interactive element of Beaudet, for the simple reason that the interactive user elements of Beaudet function in a manner almost exactly similar to applicant's claimed button. See Beaudet, col. 4, lines 46-55, wherein the interactive user element (icon) is manipulated by a single user mouse-click, much like the selection of a generic interface button, as claimed.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Beaudet to obtain the invention as specified in claim 5.

Regarding claim 6, Beaudet has been shown *supra* to teach a close window event associated with an interactive element of the disclosed window management system (see col. 7, lines 45-49).

Regarding claims 12-14, Beaudet teaches interactive user interface elements being positioned separately from the listing of open document windows, as can be seen in Figs. 1, 2, and 4.

Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art, Beaudet, and Bibayan (US Patent 5,659,694).

Regarding claims 3 and 9, the admitted prior art has been shown to teach a pre-defined window manipulation operation for an inactive window selectable through a pull-down menu.

However, the admitted prior art and Beaudet fail to explicitly teach performing a window close operation, print window operation, and a file save operation through the pull-down window.

While Applicant's admitted prior art and Beaudet do not explicitly teach the use of a print window or file save operation through the disclosed window management system, such functions are available in the drop down menu of Bibayan, at col. 11, lines 1-16. As such operations are notoriously well-known in the art, it would have been obvious to incorporate them

into the menu system of Applicant's admitted prior art and Beaudet, for the purpose of providing common file controls in a single interface.

Response to Arguments

Applicant's arguments filed 20 April 2009 have been fully considered but they are not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. Applicant has provided no specific examples or references to the prior art concerning how the newly amended claims differ from the cited prior art.

Furthermore, with respect to the newly added limitations concerning "receiving a selection of a single one of said interactive user interface elements" and "without activating the inactive open document window corresponding to the selected single one of said interactive user interface elements", the examiner contends that, for at least the reasons set forth above, the cited prior art does indeed teach such limitations. Specifically, Applicant's admitted prior art teaches a user interface for selecting a single user interface element through the drop down list box shown in the Figures. Beaudet is relied upon to teach a window manipulation operation and "without activating the inactive open document window corresponding to the selected single one of said interactive user interface elements", taught by at least the "hide" and "close" operations directed to a selected window, which do not involve a change in focus as other operations such as "restore" and "maximize". This feature in Beaudet has been pointed out in the decision rendered by the Board of Patent Appeals and Interferences dated 20 February 2009, on page 14.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL ROSWELL whose telephone number is (571)272-4055. The examiner can normally be reached on 9:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571) 272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tadesse Hailu/
Primary Examiner, Art Unit 2173

Michael Roswell
6/18/2009